IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED PET GROUP, INC.,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 4:13-CV-01053-AGF
	)	
SERGIY MOGYLEVETS,	)	
	)	**JURY TRIAL DEMANDED**
Defendant.	)	

MOTION FOR CLERK'S ENTRY OF DEFAULT AND MEMORANDUM IN SUPPORT

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI:

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff United Pet Group, Inc. ("Plaintiff") hereby requests that the Clerk enter default in this matter against Defendant Sergiy Mogylevets on the ground that the defendant has failed to answer or otherwise defend against the Amended Complaint in this action within the time period prescribed by the Federal Rules of Civil Procedure.

Plaintiff filed its Amended Complaint on January 21, 2014. ECF No. 9. Pursuant to Rule 4, Fed. R. Civ. P., the Amended Complaint and Summons were served on the defendant on January 27, 2014. ECF No. 14. By operation of Rule 12, the defendant was to answer or otherwise plead to the Amended Complaint by February 18, 2014. *Id.* To date, Plaintiff has not received any correspondence from the defendant, and the Court's docket indicates that the defendant has not answered, responded, or sought to extend the time for a response. *See generally,* ECF Docket.

Rule 12 provides that the defendant shall serve her Answer to a Complaint within 21 days of service. Fed. R. Civ. P. 12(a)(1)(A)(i). The Summons, issued by the

Court and served upon the defendant with a copy of the Amended Complaint, notified the defendant of his obligation to serve a copy of the Answer upon counsel for Plaintiff, and to file an Answer with the Clerk of Court, 21 days from the date of service. The defendant has not done so, and he is accordingly in default. Plaintiff hereby moves the Clerk of this Court to enter default against Defendant Sergiy Mogylevets in this matter.

Dated: February 20, 2014

Respectfully submitted,

Thompson Coburn LLP

By: /s/ Matthew A. Braunel

Matthew A. Braunel, #109,915
David B. Jinkins, #87,078
Sartouk H. Moussavi #65,577
One US Bank Plaza
St. Louis, MO 63101
(314) 552-6000
(314) 552-7000 (fax)

Attorneys for Plaintiff
United Pet Group, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2014, a true and correct copy of the foregoing was filed with the Clerk of Court via the Court's ECF system, and was also served on the following by U.S. Mail:

Sergiy Mogylevets
2500 Parkview Dr. #2318
Hallandale, FL 33009

/s/ Matthew A. Braunel